

Remarks

Applicant respectfully traverses all of the rejections the prior art lacks correspondence to the invention when considered “as a whole”. This lack of correspondence is accentuated when considering the asserted but unrelated portions of the Goldman ‘927 reference (U.S. Patent No. 6,825,927), which fail to teach or suggest that the light detection circuit is on the same substrate as the processing circuit as in the claimed invention. For the reasons and arguments set forth below, Applicant submits that the claimed invention is allowable over the cited references.

The Office Action dated February 8, 2007 listed two rejections under 35 U.S.C. § 103(a): claims 1-30 stand rejected under § 103(a) over Goldman (U.S. 6,825,927) in view of Wu (U.S. 6,617,565); and claims 31-37 stand rejected under § 103(a) over Goldman and Wu as applied to claim 26, and further in view of Herron *et al.* (U.S. 6,222,619).

Applicant has amended claim 34 to correct a grammatical error.

Applicant respectfully traverses these rejections under Section 103(a). Generally, Applicant respectfully submits that the Office Action has failed to present a *prima facie* case of obviousness and that the rejections are based on a mischaracterization of the Goldman reference. For example, the Office Action asserts that it would be inherent that the detector (CCD) of Goldman individually detects each sample well 28, and therefore that each pixels of the CCD array would be positionally associated with one or more of the sample wells. Applicant respectfully submits that this is simply not taught by the cited portions of the Goldman reference. To begin with, the Office Action erroneously asserts that the Goldman reference teaches a CCD array. The cited portions relied upon by the Office Action teach the use of a single detector 30 that receives light from the array of samples. Accordingly, the Office Action’s assertion that the Goldman reference teaches a CCD array with pixels positioned relative to the sample wells is unsupported by and contrary to the teachings of the Goldman reference.

The Office Action also fails to show how the asserted combination teaches the various components are found on a single substrate. The Office Action attempts to modify the teachings of the Goldman reference with those of the Wu reference. Allegedly this combination teaches the placement of various components on a single substrate. The Office Action’s asserted combination is not supported by the teachings of

the cited references because neither reference teaches or suggests a light detection circuit on a substrate for the detection of optical characteristics of a biological sample.

Applicant respectfully submits that the Wu reference does not contemplate an array of controllable light sources or samples and the Goldman reference does not contemplate an array of detectors. As such, the Office Action is attempting to combine unrelated references in a manner that is inconsistent with the teachings of the references.

Contrary to M.P.E.P. Section 2141.01(a), the Office Action is also improperly combining references that are not in analogous fields of endeavor. Applicant submits that all image capture devices are not an analogous art. *See, e.g., Wang Laboratories, Inc. v. Toshiba Corp.*, 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993) (Two references were not found to be analogous art simply because they both dealt with memory). The Wu reference is directed to capturing images of relatively large items for viewing and movement detection; whereas the Goldman reference is directed to a fluorometer application. Accordingly, the rejections are improper because they in unrelated fields of endeavor.

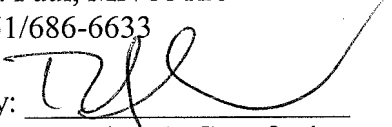
Moreover, Applicant respectfully submits that, even in view of the latest Supreme Court case, one skilled in the art would not have found suggestion or motivation in either reference to perform the asserted combination because there is no solution presented to various problems associated with such a combination. For example, neither reference teaches or suggests that the image capture device of the Wu reference would function with the Goldman fluorometer (*e.g.*, size, sensitivity and noise). Applicant respectfully submits that neither reference suggests that the IC of the Wu reference could replace the detector and processor of the Goldman reference. Accordingly, the rejections are improper and Applicant respectfully requests that they be withdrawn.

In view of the above discussion, Applicant believes that each of the rejections has been overcome and that the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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